

KIEL J STURM
PO Box 5381
Santa Clara CA 95056
Cell: 1 (408) 455-0829
Email: kiel@pobox.com

Plaintiff in pro per

FILED

2011 JUL -1 A 9:33

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA - SAN JOSE

IFP
NP
(99)

ADR

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Kiel J Sturm,

Plaintiff,

vs.

National Aeronautics and Space Administration,

Defendant

Case No. CV 11-03256 PSG

COMPLAINT FOR FREEDOM OF INFORMATION
ACT VIOLATIONS UNDER 5 USC § 552

COMPLAINT FOR FREEDOM OF INFORMATION ACT VIOLATIONS

1. **Jurisdiction.** This court has jurisdiction over this complaint because at least one cause of action arises under a Federal law, the Freedom of Information Act "FOIA" (5 USC § 552, 28 USC § 1331).
2. **Venue.** Venue is appropriate in this Court because the Plaintiff maintains a place of business and residence at a PO Box in Santa Clara, California and the FOIA statutes permit filing in a District Court of jurisdiction over the information requestor's place of business (5 USC § 552(a)(4)(B)).
3. **Intra-district Assignment.** This lawsuit should be assigned to the San Jose Division of this Court because jurisdiction is granted to Santa Clara County, California (Civil Local Rule 3-2(c)).
4. **Parties.** PLAINTIFF KIEL J STURM is an adult individual resident of Santa Clara County, California. DEFENDANT NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ("NASA") is a United States Government agency with headquarters in Washington, District of Columbia.

FIRST CAUSE OF ACTION: FOIA VIOLATIONS FOR STURM AGAINST NASA

5. PLAINTIFF KIEL J STURM requested important documents from NASA in a letter dated May 19, 2011. This request was made compliant with the FOIA and its amendments coded at 5 USC § 552 et seq.
6. NASA had 20 working days to respond under 5 USC § 552(a)(6)(A)(i) and they did respond in a letter dated June 23, 2011 with a rejection for not being specific enough. Plaintiff's first request dated April 2, 2011 was also rejected as non-specific even though it contained some specific items.
7. The specific records requested in the May 19, 2011 letter were (copied verbatim):
- a. Written correspondence between any United States President and NASA regarding the Apollo and Constellation Moon Landing programs, especially their technical feasibility and price tags in 1969 and in 2010.
 - b. Schematics and specifications of the return fuel tank and return launch rockets on the Apollo 11 Lander.
 - c. A document with a description of the equipment used to slow the Apollo 11 Lander as it approached the Moon's surface under lunar gravity.
8. The primary nature of the request is to obtain a small number of internal technical documents from the Apollo program. They are also to evaluate the feasibility of the recent cancelled Constellation "Return to the Moon" project. Plaintiff believes his request was specific enough that some if not all documents could have been returned to him, especially (b) regarding the schematics of the Lander.

PRAYER FOR RELIEF

9. Plaintiff prays for the following relief:
- a. Equitable relief in the form of compliance with all FOIA information requests and all allowed discovery requests in this action.
 - b. Reasonable attorney's fees under 5 USC § 552 if any, court costs, and expenses incurred.
 - c. All other relief that is fair, just and equitable.

Dated this June 28, 2011


KIEL J STURM

Plaintiff in pro per